

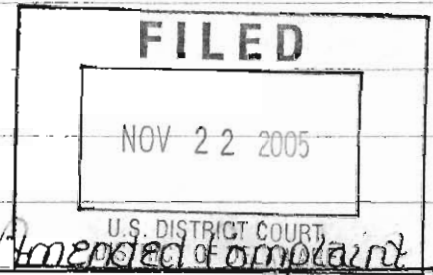
United States District Court for the
District of Delaware

Kenneth L. Holland,
~ Plaintiff ~

Civ. no., 05-464-(SLR)

~ vs ~

Stan Taylor, et. al.
~ Defendants ~



Motion for leave to file an Amended Complaint

Plaintiff, Kenneth Holland, pursuant to Rule 15(A) and 19(A), Fed. R. Civ. P., requests leave to file an amended complaint adding two party's, correct spelling of two defendant's names, adding a new Statement of Claims and Claims for Relief.

1.) The Plaintiff in his original complaint named a John Doe and Mrs. Moore defendants.

2.) Since the filing of the complaint, the Plaintiff has determined that the names of John Doe defendant and Mrs. Moore defendant is Helen Moore and Stephen

Devine [REDACTED], of paragraphs 3, 69, 70, 71, [REDACTED] Statement of Claims and Claims of Relief, of the allegations, and paragraph A.5, of the compensatory damages, and paragraph B.2, of the Punitive

damages of the relief requested, are amended to reflect the identity and the actions of these Officers.

- 3.) Since the filing of the complaint, the Plaintiff wishes to list a new allegations and paragraph 66, and Claim of Relief in paragraph 72, and Compensatory damages in paragraph A. 3, to reflect the action and relief by Officer Adam Bramble.
- 4.) Since the filing of the complaint, the Plaintiff wishes to make correct spelling of defendant Stan Taylor's, name, that's in paragraph 1.1, of the Parties Complaint, paragraph A.1, of the compensatory damages, and paragraph B.1, of the Punitive damages, of the relief requested are amended to reflect the correct identity of defendant Stan Taylor.
- 5.) Since the filing of the complaint, the Plaintiff wishes to make correct spelling of defendant Mike Records, name, that's in paragraph 5, of the Parties complaint, paragraph 35, of Statement of Claims, paragraph 73, of Claims of relief, paragraphs A.4, and A. 5, of compensatory damages, and paragraph B.4, of Punitive damages of the relief requested, are amended to reflect the correct identity of defendant Mike Records.

- 6.) Since the filing of the complaint, the Plaintiff wishes to make correction of defendant Robert George's name, that's set forth in paragraph 8, of the parties complaint, paragraph 68, of the Claims for Relief, paragraph A.1, of compensatory damages, and paragraph B.1, of Punitive damages of the Relief requested. are amended to reflect the correct identity of defendant Robert George.
- 7.) This court should grant leave freely to amend a complaint. Foman v. Davis, 371 U.S. 178, 182, -83 S. Ct. 227 (1962); / Interroyal Corp. v. Spons-eller, 889 F.2d 108, 112 (6TH Cir.). cert. denied, 494 U.S. 1091 (1990).

Date;

Respectfully yours
Kenneth L. Holland

United States District Court for the
District of Delaware

Kenneth L. Holland
~ Plaintiff ~

~ vs ~

Stan Taylor, Vincent Bianco,
Robert George, Mike Records,
Adam Bramble, Cline Daniels
Cindy Scala, Michael Costello,
Barbara Costello, Bill Eto,
Stephen Devine, Helen Moore and
the Department of Corrections,
~ Defendants ~

Amended
Complaint

Jury Trial
Demanded
Civ. No. 05-464-
(SLR)

Parties

- 3.) Defendant's Bill Eto, Stephen Devine and Helen Moore, are employed at the Morris Correctional Institution in various individual capacities, collectively their responsibilities include the Multi-Disciplinary Team, (M.D.T. Board). They are the sole members of the board and they collectively decide guilt or innocence of a rule infraction, set forth sanctions. Address; 300 Water Street, Dover, Delaware 19901. They are being sued in their individual and official Capacities.

- 8.) Defendant Robert George, is employed at Sussex Violation of Probation center (S.V.P.), as the warden of that facility. His responsibilities include the over all supervision, discipline and safety of the facility and residents. Address: P.O. Box 500 Georgetowne, Delaware 19947. He is being sued in his individual and official capacities.

Statement of Claims

- 35.) Transfers was under the authority and control of defendant Mike Records.
- 66.) Plaintiff was placed in a holding cell, denied medical treatment by the nurse and transferred to the Delaware Correctional Center and was again denied medical treatment, then Plaintiff was later charged criminally with Assault in a Detention facility on November 30, 2004.

Claims of Relief

- 69.) Defendants Bill Eno, Helen Moore and Stephen Devine, failure to allow the Plaintiff to be present to represent himself at disciplinary hearing, constitutes deliberate indifference, Due Process and Equal protection violations of the constitutions.

70.) Defendants Bill Eto, and , collectively decided to sentence the Plaintiff to a sanction outside of the guidelines, constitutes false imprisonment, deliberate indifference, cruel and unusual punishment, Due Process and Equal Protection Violation of the constitution.

71.) Defendants Bill Eto, Helen Moore and Stephen Devine , failure to provide Plaintiff with a fair, timely appeal process, constituted Malicious denial of Due Process, deliberate indifference, Equal Protection Violations of the constitution.

72.) The actions of defendant Adam Bramble, in subjecting the Plaintiff to unnecessary malicious of force with a weapon constitutes assault, cruel and inhumane treatment, Equal Protection Violations with deliberate and Malicious intent and Malicious Prosecution of the Plaintiff.

73.) The failure of defendants Mike Records, Cline Daniels, Cindy Scala, Micheal Costello, and Barbara Costello, to take reasonable action of corrective measure to have Plaintiff's sanction term corrected and/or Plaintiff returned to his original status constitutes cruel and inhumane treatment, deliberate indifference, Denial of Due Process and Equal Protection Rights.

A.) Award compensatory damages in the following amount

- 1.) \$ 50,000, jointly and severally against defendants Stan Taylor, Vincent Bianco, Robert George and the Department of Corrections, for the physical and emotional injuries sustained as a result of these defendants failure to adequately establish and/or enforce rules, regulations and laws, of the State of Delaware and the U.S. Constitution.
- 2.) \$ 200,000, jointly and severally against defendants Bill Ezzo, Stephen Devine and Helen Moore, for the excessive punishment and emotional injuries sustained as a result of their denial of Plaintiff's Due Process rights in connection with disciplinary hearing, sanction, and appeal process as well as false imprisonment.
- 3.) \$ 300,000, Against defendant Adam Bramble, for the physical and emotional injuries suffered as a result of defendant unnecessary use of force with a weapon, constitutes assault, and the Malicious Prosecution of the Plaintiff.
- 4.) \$ 20,000, jointly and severally against defendants Mike Records, Cline Daniels, Cindy Scala, Micheal Costello, and Barbara Costello, for the emotional injuries suffered as a result of

defendants failure to take appropriate action in connection with unlawful sanction sentence, in accordance with the law.

5.) lost of wages against the Department of Corrections Bill Etto, Helen Moore, Stephen Devine, Vincent Bianco, Mike Records, Cline Daniels, Cindy Scala, and Adam Bramble, "Jointly". for wages lost due to the unconstitutional sanction, unlawful imprisonment, Malicious Prosecution of the Plaintiff, throughout relevant time period.

B.) Award Punitive damages in the following amounts;

1.) \$20,000, each against Stan Taylor, Vincent Bianco, Robert George, and the Department of Corrections.

2.) \$100,000, each against Bill Etto, Helen Moore, and Stephen Devine.

4.) \$10,000, each against Mike Records, Cline Daniels, Cindy Scala, Micheal Costello and Barbara Costello.

Date: 11-11-05

I declare under penalty of perjury that the foregoing is true and correct.

Kenneth Holland

Kenneth Holland
211 North New Str.
Dover, DE 19901

WILMINGTON, DE 19850 WILMIN

Office of the Clerk
United State District
844 N. King Str. Lackb
Wilmington, Delaware

EX-105
D.S.M.S.